

***United States Court of Appeals
for the Second Circuit***



APPENDIX

ORIGINAL

74-1275

B

P/S

United States Court of Appeals

For the Second Circuit.

UNITED STATES OF AMERICA,

Appellee,

-against-

JOSEPH LISI,

Appellant.

*On Appeal From The United States
District Court For The Eastern
District of New York*

APPENDIX FOR APPELLANT, JOSEPH LISI

MAURICE BRILL
Attorney for Appellant
Joseph Lisi
291 Broadway
New York, N.Y. 10007
(212) BA 7-6680



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100

DOCKET

72CR 422

WEINSTEIN

TITLE OF CASE

THE UNITED STATES

VS.

JOSEPH LISI, THOMAS LISI,
and ANTHONY ANNICCHIARICO

ATTORNEYS

For U.S.:

CLOSEDFor Defendants Joseph and
Thomas Lisi
44 Court St., Bklyn.
MA 5- 5884

Theft of goods in interstate shipment.

ABSTRACT OF COSTS

AMOUNT

DATE

CASH RECEIVED AND DISBURSED

NAME

RECEIVED

DISBURSED

Fine,

Clerk,

Marshal,

Attorney,

Commissioner's Court,

Witnesses,

3/24/74 Lisi, Joseph (as for)
Lisi, Thomas

DATE

PROCEEDINGS

- 4-12-72 Before TRAVIA, J. - Superseding indictment filed.
- APR 20 1972 BEFORE TRAVIA, J. Case Called - Defts & counsels present - defts waive reading of Indictment - defts arraigned and each enter a plea of not guilty - Bail continued - 30 days for Motions.
- 4-20-72 Notice of Appearance filed for defts Joseph & Thomas Lisi.
- 6/20/73 By WEINSTEIN, J. Order filed, that this case shall be pre-tried on July 18, 1973.
- 7/5/73 By WEINSTEIN, J. Order filed, that the pre-trial conference shall be heard on July 18th, 1973 (it was originally scheduled for 7/18/73)
- 7/24/73 Before, WEINSTEIN, J. - Case called- Defts and counsel present- Defts arraigned and enter pleas of not guilty- Trial set for

72CR 422

DATE	PROCEEDINGS
	Nov. 12, 1973 at 10:A.M.
11-2-73	Before WEINSTEIN J - Case called - defts present with counsels -
	Pre Trial Conference held and concluded - trial set for Nov 9, 1973.
11-8-73	Before WEINSTEIN, J.- Case called- Defts and counsels present- Trial order
	and begun- Govt's motion to dismiss the indictment as to deft Annicchiaro
	granted- Jurors selected and sworn-Trial contd to 11-9-73
11-8-73	By WEINSTEIN, J.- Order of dismissal filed (ANNICCHIARICO)
11-9-73	Before WEINSTEIN, J.- Case called- Defts and counsel present-Trial resumed
	Defts motion for mistrial is denied subject to briefs being submitted
	Trial contd to 11/12/73
11-12-73	Before WEINSTEIN J - Case called - defts & counsels present -Trial
	resumed - defts motion for a mistrial is denied - Govt rests - Defts
	rest - Govt rests rebuttal - Court charges Jury - alternated excused.
	Jury retires for deliberation-Jury sent home at 6:00 PM. Trial contd
	to Nov. 13, 1973 at 9:30 am.
11-13-73	Before WEINSTEIN, J.- Case called- Defts and counsel present- Jury resumes
	deliberation- Jury returns and renders a verdict of not guilty on counts
	1 and 2 as to deft Thomas Lisi and guilty as to counts 1 and 2 as to
	deft Joseph Lisi- Deft Thomas Lisi is discharged- Jury polled and discharged
	Motion by deft Joseph Lisi to set aside the verdict is denied- Deft asserts
	of his right to appeal- Sentence adjd with/ date
11-13-73	By WEINSTEIN, J.- Judgment of Acquittal filed (THOMAS LISI)
2-22-74	Before WEINSTEIN J - case called - deft JOSEPH LISI & counsel M.Brill
	present . Deft is sentenced to imprisonment for 4 years on each of
	counts 1 and 2 pursuant to 18:3651 - to run concurrently. Deft to serve
	3 months , Monday through Friday evenings at the Community Treatment
	Center in Manhattan. Execution of remainder of sentence is suspended &
	the deft is placed on probation for 4 years. Court directed the Clerk to
	file a Notice of Appeal in forma pauperis. Execution of sentence is stayed
	pending appeal.
2-22-74	Judgment & Commitment and Order of Probation filed (JOSEPH LISI)
	Certified copies to Marshal and Probation.
2-22-74	Notice of Appeal filed (no fee) JOSEPH LISI.
2-22-74	Docket entries and duplicate of Notice of Appeal mailed to C of A
	(JOSEPH LISI)
3-1-74	Order received from Court of Appeals and filed that record be docketed on
	or before 3-14-74 (JOSEPH LISI)
3-8-74	Record on appeal certified and mailed to Court of Appeals (JOSEPH LISI)

D. C. 109

72CR 422

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APR 12 1972

----- X

UNITED STATES OF AMERICA

SUPERSEDING
INDICTMENT

- against -

JOSEPH LISI, THOMAS LISI
and ANTHONY ANNICCHIARICO,

Cr. No. _____
(T. 18, U.S.C., §§659, 2
and 371)

Defendants.

----- X

THE GRAND JURY CHARGES:

COUNT ONE

On or about the 16th day of December, 1970, within the Eastern District of New York, the defendants JOSEPH LISI, THOMAS LISI and ANTHONY ANNICCHIARICO, did wilfully and unlawfully receive and have in their possession approximately one trailer truck load of assorted merchandise having a value in excess of one hundred dollars (\$100.00), which goods had been stolen from the care and custody of McGovern Trucking Company, while moving as a part of and constituting a foreign shipment of freight, from Japan to Jersey City, New Jersey, and New York, New York, the defendants JOSEPH LISI, THOMAS LISI and ANTHONY ANNICCHIARICO, knowing the same to have been stolen. (Title 18, United States Code, §659 and §2))

COUNT TWO

On or about the 16th day of December, 1970, within the Eastern District of New York, the defendants JOSEPH LISI, THOMAS LISI and ANTHONY ANNICCHIARICO, and Henry Serrapica and Louis Felice, named herein as co-conspirators but not as defendants, and other to the Grand Jury unknown, did knowingly, and wilfully conspire to commit an offense against the United States in violation of Title 18, United States Code, §659, by conspiring to receive and

- 2 -

have in their possession approximately one trailer truck load of assorted merchandise having a value in excess of one hundred dollars (\$100.00), which goods had been stolen from the care and custody of McGovern Trucking Company while moving as a part of and constituting a foreign shipment of freight from Japan, to Jersey City, New Jersey, and New York, New York, the defendants JOSEPH LISI, THOMAS LISI and ANTHONY ANNICCHIARICO, and Henry Serrapica and Louis Felice, named herein as co-conspirators but not as defendants, knowing to same to have been stolen.

In furtherance of the said unlawful conspiracy and for the purpose of effecting the objectives, thereof, the defendants committed the following:

OVERT ACT

(1) On or about the 16th day of December, 1970, between 7:30 A.M. and 10:15 A.M., the defendant ANTHONY ANNICCHIARICO and co-conspirators Henry Serrapica and Louis Felice, did enter the warehouse premises of THOMAS LISI and JOSEPH LISI at 76 DeGraw Street, Brooklyn, New York with trucks and with the permission of the said THOMAS LISI and JOSEPH LISI to effect the possession, concealment and transportation of the aforesaid stolen goods. (Title 18, United States Code, §371))

A TRUE BILL.

FOREMAN.

UNITED STATES ATTORNEY
Eastern District of New York

1 CHARGE TO THE JURY

2 inescapable conclusion. Now, two years later -- three
3 years later, the scalding that they received by possession
4 of these stolen goods and by the facts and circumstances
5 of this case is indelibly marked on both defendants. It's
6 marked in one word, ladies and gentlemen, guilty, guilty.

7 Thank you.

8 THE COURT: You want to take a break or want to
9 go through? It will take about twenty minutes to read
10 the charge. Anybody want a break?

11 THE JURY: No.

12 THE COURT: I'm going to tell you what the law
13 is. I want you to follow my instructions. You'll decide
14 the facts. I have no view of the guilt or innocence of
15 either of these defendants. My only purpose is to see that
16 the defendants are tried according to the law and the
17 evidence and that you do your duty fairly and properly.
18 There were a number of occasions during the trial when I
19 ordered some material stricken. Of course, you'll ignore
20 that material. Nothing that I said in the course of my
21 rulings should indicate my view towards the defendants or
22 counsel for either side. The fact that this is a prose-
23 cution brought in the name of the United States is entitled
24 to no weight at all in your deliberations. Everybody is
25 equal in this Court and entitled to neither sympathy nor

1
2 favor.

3 As I've already told you, the fact that there is
4 an indictment, they're entitled to no weight. It's merely
5 a way of bringing a charge to Court. It's not evidence
6 of anything. Both defendants have pleaded not guilty.
7 That means that the government has the burden of proving
8 guilty beyond a reasonable doubt with respect to every
9 element of each of the crimes. A defendant doesn't have to
10 prove his innocence. He doesn't have to submit any
11 evidence at all. He is presumed to be innocent. A
12 defendant in a criminal case has a constitutional right
13 not to testify. In this case, the defendants did testify.
14 The burden of proof beyond a reasonable doubt lies with
15 the government throughout the trial and into your
16 deliberations. A reasonable doubt means simply a doubt
17 sufficient to cause a prudent person to hesitate to act
18 in the most important affairs of his life.

19 Obviously, finding a citizen to be guilty of a
20 crime and subjecting him to the possibility of punishment
21 is a very serious matter. You will consider this factor
22 in determining whether or not you have a reasonable doubt.
23 If you find you have a reasonable doubt, you should quit.
24 If you are convinced beyond a reasonable doubt, you
25 should find a defendant guilty and not be swayed by

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2 sympathy. The law does not require certainty because **260**
3 those who were present at the event itself can be certain
4 about what happened and even they can be wrong. In this
5 case, since a major problem for you is determining the
6 state of mind of these defendants, even those who were
7 present may have misconstrued.

8 Each of these defendants is charged with two
9 crimes. You must consider each one of these crimes and
10 each defendant's situation separately. In effect, you're
11 trying four cases. You can find either of the defendants
12 guilty or innocent with respect to either of two charges
13 or counts. You'll have to come in with four verdicts,
14 two for one defendant and two for the other defendant and
15 guilty or innocent as to each one of those four things.
16 You understand that? Four separate charges. That will
17 appear during the course of the charge. You'll find I
18 used the words willfully and knowingly in this charge.
19 A person does not knowingly do an act if his action
20 resulted from a mistake, neglect or any other innocent
21 reason. An act is willful, if the defendant acts
22 voluntarily and intentionally and with the specific intent
23 to do something the law forbids; that is with a bad pur-
24 pose to disobey or disregard the law. Here it would be
25 with a bad purpose of knowingly possessing stolen goods.

Now, the indictment in this case has certain details in it. You need not find that the facts conform exactly to the charges so long as they conform substantially. Count one of the indictment says, "On or about the 16th day of December, 1970, within the Eastern District of New York, the defendants Joseph Lisi and Thomas Lisi did willfully and unlawfully receive and have in their possession approximately one trailer truck load of sorted merchandise having a value in excess of \$100," the statute draws a line of more or less than \$100, "which goods had been stolen from the care, and custody of McGovern Trucking Company while moving as a part of and constituting a foreign shipment of freight from Japan to Jersey City, New Jersey and New York, New York, the defendant Joseph Lisi and Thomas Lisi knowing the same to have been stolen." That constitutes a violation of a statute which reads in part as follows: "Whoever received or has in his possession any goods or chattels stolen from United States or foreign commerce knowing the same to have been stolen is guilty of a crime." These defendants are not charged with stealing the merchandise. They are charged with possession of stolen goods. Do not speculate about who stole the merchandise. That has nothing to do with this case. If you analyze the statute and the charge, you'll

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2 see there are six separate elements that the government
3 has to prove beyond a reasonable doubt. First, the goods
4 have to be stolen or unlawfully obtained. Now, that is not
5 disputed. Two, the value of the goods must be in excess
6 of \$100. That is not disputed. Third, the taking must
7 be from a motor truck. That is not disputed. Fourth,
8 the goods must be part of an interstate or foreign ship-
9 ment when they were stolen. That is not in dispute.
10 Fifth, the government must prove that the defendants have
11 had the stolen goods in their possession. The law
12 recognizes two kinds of possession, actual possession and
13 constructive possession. A person who knowingly had
14 direct physical control over a thing at a different time
15 is in actual possession of it. This is true even if the
16 physical control is only momentary. A person who alone,
17 not in actual possession, knowingly has both the power
18 and intention at a given time to exercise dominion or
19 control over a thing, either directly or through another
20 person, is then in constructive possession of it. You can
21 find that somebody who had something in his garage was
22 in possession of it. Or somebody who could order it in
23 or out of the garage had possession of it. He doesn't
24 have to physically have it in his pocket or in his own
25 car.

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2 The law recognizes that possession may be sole
3 or joint. One person can have possession of it or more
4 than one person can have possession of it; so a truck
5 driver can have possession of it. The owner of the truck
6 can have possession of it. The person who is unloading
7 can have possession of it. A great many people can have
8 possession of something at the same time. But to satisfy
9 this element, you must find beyond a reasonable doubt that
10 the defendant either alone or jointly with others had
11 actual or constructive possession of the goods described
12 in the indictment. On the evidence, you could find beyond
13 a reasonable doubt that each defendant possessed the goods
14 in question. Now, sixth, this is really the critical
15 thing in the case. The defendant must have known at the
16 time he had them in his possession that the goods were
17 stolen. The mere fact that the goods may have been stolen
18 does not make a person guilty if he was unaware that they
19 were stolen. But if you find that a defendant knew the
20 goods were stolen, there is enough to find that defendant
21 guilty even if he didn't know the details or how they got
22 stolen. He doesn't have to know that. All he has to know
23 is that they were stolen. These two defendants each
24 testified that they did not know that the property in ques-
25 tion was stolen. One may not willfully and intentionally

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2 remain ignorant of facts material and important to his
3 conduct in order to escape being found guilty. The test
4 is whether there was an intention to avoid knowledge or
5 to close one's eyes to material and important facts but
6 if you don't find actual knowledge, in order to find the
7 equivalent of knowledge, you must find from all the
8 evidence beyond a reasonable doubt that the defendant --
9 I'm talking about each one individually -- had a conscious
10 purpose to avoid learning that the property in his
11 possession was stolen. So, to sum up then, if you find
12 that a defendant possessed these goods and if you find
13 that they were recently stolen, beyond a reasonable doubt,
14 and that they knew that they were stolen beyond a
15 reasonable doubt, and that they were Interstate Commerce,
16 you could find him guilty. In considering the facts in
17 the case, you may consider the fact that they were
18 recently stolen because possession of recently stolen
19 goods may be considered by you with other circumstances
20 in the case in deciding whether a defendant had the
21 requisite knowledge of their being stolen, unless, of
22 course, the evidence satisfactorily explains possession
23 without knowledge. Now, the other section of the code,
24 criminal code that is relevant on this first count is
25 Section 2. That reads in pertinent part as follows:

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2 "Whoever aids, abets, commands, induces or procures the
3 commission of a crime against the United States is guilty
4 of a violation of that crime itself." Under this section,
5 the guilt of either defendant may be established without
6 proof that he personally did every act constituting the
7 offense charged. It is not necessary that the aider or
8 abetter be present at the actual commission of the crime.
9 Every person who willfully participates may be found
10 guilty of that offense. Of course, mere presence at the
11 scene of a crime is not sufficient to convict one of
12 aiding or abetting. What is required is evidence that the
13 defendant knowingly associated himself in some way with
14 the criminal venture; that he participated in it as some-
15 thing he wished to bring about; and that he sought by
16 his actions to make it succeed. So much for that first
17 charge which is the possession charge. We have to find
18 as to either defendant, guilty or not guilty as to
19 possession.

20 Now, the second count is the conspiracy count.
21 I quote on or about the 16th day of December, 1970, within
22 the Eastern District of New York, the defendants Joseph
23 Lisi and Thomas Lisi and Anthony Annecchiarico, Henry
24 Serropica and Louis Pelice, named herein as co-conspirators
25 did knowingly and willfully conspire to commit an offense

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2 against the United States in violation of that law that
3 I've just told you about, the possession, by conspiring to
4 receive and have in their possession approximately one
5 trailer truck load of sorted merchandise having a value
6 in excess of \$100 which goods had been stolen from the
7 care and custody of McGovern Trucking while moving from
8 Japan to New Jersey and New York, knowing the same to
9 have been stolen. Inference of that unlawful conspiracy,
10 and for the purpose of effecting the objective thereof,
11 the defendants committed the following overt act: "On
12 or about the 16th day of December, 1970, between 7:30 a.m.
13 and 10:15 a.m., Anthony Annetchiarico and Henry Serropica
14 and Louis Felice did enter the warehouse premises of
15 Thomas Lisi and Joseph Lisi at 76 Degraw Street, with
16 trucks and with the permission of the said Thomas Lisi
17 and Joseph Lisi to effect the possession, concealment
18 and transportation of the stolen goods." Again, the
19 details don't have to be exact. It has to be substan-
20 tially what happened.

21 Now, the section of the statute that's involved
22 here reads as follows: "If two or more persons conspire
23 to commit any offense against the United States and
24 one or more do any act to effect the object of the
25 conspiracy, each shall be guilty of a crime." There are

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2 four elements to this crime. First, obviously, there have
3 to be two or more people involved. They have to have an
4 agreement. Second, they have to willfully conspire or
5 agree. Third, that they have to conspire to commit an
6 unlawful act and fourth, that one of them has to do some-
7 thing to bring about what they proposed to do. If you find
8 there was no such agreement, that is if the government
9 hasn't proven the agreement beyond a reasonable doubt, you
10 have to find there's no conspiracy existing. The mere
11 fact there were more than one person involved doesn't
12 necessarily make a conspiracy. So, you have to find
13 whether there was a knowing and willful agreement. In
14 order to find such an agreement, it's not necessary that
15 the persons charged meet together and enter into an express
16 or formal agreement or that they stated orally or in writ-
17 ing what the scheme was or how it was to be effected. It
18 is sufficient to show that they came to a mutual under-
19 standing to accomplish the unlawful act. The evidence
20 in the case must show beyond a reasonable doubt that the
21 conspiracy was knowingly formed and that the defendant
22 willfully participated in the unlawful plan with the
23 intent to further the plan or purpose of the conspiracy.

24 You can infer the conspiracy from the circum-
25 stances and the conduct of the party. Obviously, when you

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1
2 enter into a criminal conspiracy, it's normally done in
3 secrecy. It's not done with agreements and notaries of
4 public. Nevertheless, don't allow suspicion to be a
5 substitute for evidence. To be a member of the conspiracy,
6 the defendant doesn't have to know all about the details.
7 Each defendant and member may perform different acts but
8 the government must prove beyond a reasonable doubt that
9 the defendant was aware of the common purpose, that the
10 common purpose was criminal and that the defendant was
11 a knowing and willful participant with the intent to
12 advance the conspiracy. The third element is that the
13 conspiracy was one to commit an unlawful act. Here it
14 would be to receive and possess merchandise stolen in
15 Interstate Commerce. The fourth is that there was an
16 overt act committed by any member of the conspiracy. It
17 doesn't have to be one of the defendants because under
18 our law, it's not just enough to agree to do something
19 illegal. Somebody has to begin to carry it out. Now, the
20 overt act charged is that two of the -- three of the co-
21 conspirators, entered the warehouse on December 16th with
22 the permission of the defendants in this case. So much
23 for the conspiracy count. A central aspect of your problem
24 here is obviously going to be to determine the credibility
25 of the witnesses to decide who is telling the truth and

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2 who is not. In weighing the testimony, you can consider
3 the relationship of the witness to the defendant or to the
4 government, the witness' bias, his interest in the outcome
5 of the case, his manner while he was testifying as you
6 observed it, his candor, credibility, the extent to which
7 he's been corroborated or contradicted.

8 If you believe a witness has sworn falsely with respect
9 to a material element in the case, you can disregard
10 his testimony completely but you don't have to do that
11 because a person can be wrong or can lie about part of
12 what he's saying and tell the truth about other parts.
13 You're entitled to your own opinions but you should
14 exchange views with each other and listen carefully to
15 each other and if you think you're wrong and somebody
16 else is right, you can change your mind. Remember, you're
17 individually responsible for the verdict. That verdict
18 must be unanimous. Your oath sums up your duty, that is
19 without fear or favor to any person, you will well and
20 truly try the issues before these parts before the
21 evidence given to you in Court and according to the laws
22 as I've just explained them to you.

23 Now, the two alternates, I'm going to excuse
24 you. Thank you very much. We've had a very good jury.
25 We don't need you. Don't discuss the case until the ver-

dict is in.

(Alternates number one and two are dismissed.)

THE COURT: Side bar.

In case I've omitted something.

MR. BRACKLEY: Your Honor, the bottom of page eleven, I believe you neglected --

THE COURT: Yes, I did, I thought it was repetitive. I'll give it.

THE COURT: Open Court.

On the conspiracy count, ladies and gentlemen, I would like to sum it up by saying that to find the defendant guilty of this count, you must find he knowingly entered into an agreement to commit an illegal act and that anyone of the co-conspirators committed an illegal act as charged inference of that conspiracy.

Side bar.

MR. BRACKLEY: Nothing.

MR. KAPLAN: Nothing.

MR. BRILL: Nothing.

THE COURT: Open Court.

Swear the marshal so you'll understand his position in the case.

(Clarence Dumas sworn.)

(He's the marshal.)

3500 MATERIAL SUPPLIED TO DEFENSE COUNSEL ON NOV. 9, 1973 A. 19

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

1-USA, EDNY (Att: AUSA EDWARD BOYD V)

Report of:
Date:

JOHN F. GOOD
December 24, 1970

Office: New York, New York

Field Office File #:

15-58734

Bureau File #:

Title:

FRANK LISI;
JOSEPH THOMAS LISI;
ANTHONY ANNICCHIARICO;
HENRY SERRAPICA;
LOUIS RAY FELICE;

Character:

THEFT OF TRACTOR AND TRAILER
CONTAINING TRANSISTOR RADIOS and
MISCELLANEOUS MERCHANDISE;

Synopsis:

MC GOVERN TRUCKING COMPANY,
BROOKLYN, NEW YORK, DECEMBER 15, 1970

THEFT FROM INTERSTATE SHIPMENT

Captioned tractor and trailer hijacked at gunpoint a short distance after leaving Pier 93, Brooklyn, NY, 12/15/70. Victim driver kidnapped and held captive for several hours prior to being released unharmed. Shipment consisted of transistor radios, walkie talkies, Chinaware and pencils, consigned from Japan to Jersey City, NJ. Surveillance established at 70 DeGraw St., Brooklyn, NY, on 12/15/70. Search warrant obtained from USC, EDNY, on authorization of AUSA, EDNY, on 12/16/70. Location on DeGraw St. raided by Agents and five above subjects arrested and the shipment recovered intact. Subjects arraigned before USC, EDNY. Subjects THOMAS LISI and JOSEPH LISI released on \$10,000 bond. Subjects FELICE and SERRAPICA and ANNICCHIARICO remanded to custody US Marshal in lieu of \$25,000 bond. Recovery value \$13,000.

-P-

NY 15-58734

DETAILS:

This investigation was predicated upon the receipt of information from GEORGE MC GOVERN, partner in Mc Govern Trucking Company on December 15, 1970, advising that a 1964 autocar truck bearing their company number 633 and New York license 14053, and a 1959 Strick trailer with serial number 3158, New York license 651269, and Mc Govern Company number 108 driven by JAMES FERRETTI, was hijacked on December 15, 1970, on Van Brunt Street, a short distance from Pier 93, Brooklyn, New York.

FEDERAL BUREAU OF INVESTIGATION

Date 12/18/70

GEORGE MC GOVERN, Partner of Mc Govern Trucking Company, 1000 Dean Street, Brooklyn, New York, advised that at about 4:30 p.m., his driver, JAMES FERRETTI, left Pier 9B, Brooklyn, New York, with a shipment that he had just picked up. He was proceeding to the Mc Govern terminal where the tractor and trailer would be stored overnight because of the late hour.

A short distance from the exit of Pier 9B, he was hijacked by two white males with guns and held captive for several hours. He was released unharmed in Queens, New York.

The shipment was consigned from various companies in Japan to various companies in the United States. The shipment consisted of transistor radios, dishes, walkie talkies and pencils. MC GOVERN advised that the shipment was valued at approximately \$100,000.

The tractor was a 1964 auto car with company number 633, New York license 1-053, and Mc Govern Trucking Decals on each side. The trailer was a 1959 Strick, Vehicle Identification Number 30158, company number 108, and New York license 651209. It is aluminum in color and had Mc Govern Trucking Company decals on both sides.

On 12/15/70 at Brooklyn, New York File # NY 15-58734
by SA JOHN F. GOOD/lm Date dictated 12/21/70

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/70

On December 16, 1970, a physical surveillance was instituted in the vicinity of 65 DeGraw Street, Brooklyn, and the following observations were made at the times indicated below:

5:25 a.m. Surveillance instituted.

6:52 a.m. A blue four door Chevrolet, New York License VW 9578, stops in front of the brick building at 65 De Graw. This car contains three white males who remain in the car which is parked directly in front of the garage door which is immediately left of the "For Sale or Rent" sign appearing on the building, that is, the second garage door of the brick building as one observes the building from the direction of Columbia Street.

7:08 a.m. The above three white males depart in the blue Chevrolet driving down DeGraw in the direction of Columbia Street.

7:35 a.m. An individual known to Special Agent (SA) PYLE to be HENRY SERRAPICA approaches the red brick building from the direction of Van Brunt Street, driving a 1962 Black Cadillac, New York license 8198 KU. SERRAPICA parks this Cadillac on the sidewalk near the second garage door, gets out, appears to use a key to open a small side door adjacent to the second garage door and enters the building. The second garage door is opened and SERRAPICA walks out and stands on the sidewalk. SERRAPICA is wearing a brown leather jacket and work shoes.

On 12/16/70 at Brooklyn, New York File # NY 15-58734
by SAs RONALD G. PYLE and
W. PHILIP SARDIDGE RGP:lm Date dictated 12/22/70

NY 15-58734
2.

- 7:37 a.m. An individual known to SA PYLE to be LOUIS FELICE approaches the brick building from the direction of Van Brunt Street, driving a Dodge truck, red cab, silver body, New York license 909-274. The number "13" appears on the front of the trucks body. After stopping momentarily in front of the second garage door at 60 DeGraw, FELICE drives the Dodge truck straight through the second garage door. SERRAPICA then enters the building through the garage door which is then closed.
- 7:41 a.m. FELICE leaves the brick building through the small side door, enters the black Cadillac, New York license 8198 KU and drives down DeGraw in the direction of Columbia Street.
- 7:45 a.m. FELICE returns in the black Cadillac and drives this car into the brick building using the second garage door.
- 7:47 a.m. FELICE departs the brick building in the black Cadillac and drives on DeGraw Street in the direction of Columbia.
- 7:53 a.m. FELICE returns to the brick building, parks his black Cadillac on the sidewalk and enters through the second garage door.
- 7:56 a.m. A 1969 or 1970 Brown Electra Buick with a black vinyl top arrives and is parked directly next to the brick building. Two white males leave this car and enter the building through the second garage door. The driver of this vehicle is described as a white male, age 30 to 35, 5 feet 10 inches, 200 pounds, wearing a black leather jacket, black hair. The other individual is described as a white male, age 25 to 30, 5 feet 8 inches, 105 pounds.

NY 15-58734
3.

- 7:58 a.m. SERRAPICA and FELICE leave the brick building through the second garage door and depart in the black Cadillac, New York license 8198 KU, with FELICE driving. FELICE drives on DeGraw Street in the direction of Columbia.
- 8:20 a.m. SERRAPICA returns in the black Cadillac, New York license 8198 KU and parks this car on the sidewalk next to the brick building. Directly behind the Cadillac is a green Dodge straight truck being driven by FELICE. The license number on this truck is 802661 and the name "De Filippis, 289 3rd Avenue, Brooklyn, N.Y." appears on the side of the trucks door. After stopping this truck in front of 66 DeGraw, FELICE drives this truck directly into the brick building using the second garage door.
- 8:25 a.m. A white male, age 28 to 30, black hair, backs a 1970 Monte Carlo Chevrolet, New York license 6912 VZ, out of the building through the second garage door and drives on DeGraw in the direction of Columbia. This car has a blue body and a black vinyl top.
- 8:35 a.m. The two white males who had arrived earlier in the brown Buick leave the brick building through the second garage door, enter the Buick and drive on De Graw in the direction of Columbia. The plate number on this car is observed to be New York license VX1844.
- 8:46 a.m. The blue Chevrolet, New York license 6912 VZ, returns with the same white male who had driven it away earlier. This white male parks the car in front of the second garage door and enters the building through the small side door.
- 8:58 a.m. Two white males arrive in a 1963 blue Buick, New York license 4562 EN, and park directly in front of the second garage door. The blue Buick is driven inside the building through the second garage door.

NY 15-58734

4.

- 9:22 a.m. The 1963 blue Buick, New York license 4562 EN, departs the brick building and is driven on DeGraw in the direction of Columbia.
- 9:41 a.m. A yellow Chevrolet with two white male occupants arrives and is parked on the sidewalk near the second garage door. One white male, 50 to 55 years, 5 feet 7 inches, 155 pounds, wearing a brown hat and coat leaves the drivers seat of the yellow Chevrolet and enters the building through the small side door. The other white male leaves the yellow Chevrolet and walks on DeGraw in the direction of Columbia. He is described as a white male, 25 to 30 years old, brown hair, 6 feet 1 inch, 170 pounds, wearing a brown jacket.
- 9:55 a.m. FELICE leaves the brick building, enters the black Cadillac, New York license 6198 KU, and drives on DeGraw Street in the direction of Columbia.
- 9:59 a.m. SERRAPICA leaves the brick building through the second garage door and begins walking on DeGraw in the direction of Columbia.
- 10:03 a.m. A white male, black hair, 26 to 30 years old, 5 feet 10 inches, 170 pounds, leaves the brick building through the second garage door, enters the blue Chevrolet, New York license 6912VZ, and backs this car into the building through the second garage door.
- 10:09 a.m. SERRAPICA is observed walking on DeGraw Street from the direction of Columbia.
- 10:11 a.m. SERRAPICA enters the brick building through the second garage door.

NY 15-58734

5.

10:14 a.m.

A green colored panel truck, New York license 923942, arrives in front of the second garage door being driven by a white male, 35 to 40 years old, wearing a hat. This white male drives this truck directly into the building through the second garage door.

10:15 a.m.

Surveillance discontinued.

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/70

On December 16, 1970, at approximately 10:16 a.m., Special Agents JAMES F. AHEARN, JOHN K. EGAN, MARK THORNTON, W. PHILLIP SANDIDGE, ERNEST A. HARIDOPOLOS, KENNETH H. SOOKER and RONALD G. PYLE, entered the premises located at 76 De Graw Street, Brooklyn, and observed the following individuals: JOSEPH LISI and THOMAS LISI. They were in the office at 76 De Graw Street. ANTHONY ANNICCHIARICO was sitting in the drivers seat of a green Chevrolet panel truck, New York license 823942, which was parked near the loading platform, and HENRY SERRAPICA was standing directly behind this truck.

After Special Agent JOHN K. EGAN advised THOMAS and JOSEPH LISI of his identity, showed them the search warrant which he had for the premises, and orally advised him of the rights as appear on the "Interrogation; Advice of Rights" form, a large quantity of stolen radios were discovered on the loading platform.

JOSEPH LISI, THOMAS LISI, HENRY SERRAPICA and ANTHONY ANNICCHIARICO were then placed under arrest by the above agents and orally advised of their rights as they appear on the "Interrogation; Advice of Rights" form.

On 12/16/70 at Brooklyn, New York File # NY 15-58734
SAs JAMES F. AHEARN, JOHN K. EGAN, MARK THORNTON,
W. PHILLIP SANDIDGE, ERNEST A. HARIDOPOLOS,
KENNETH H. SOOKER, RONALD G. PYLE RGP:lm Date dictated 12/22/70

FEDERAL BUREAU OF INVESTIGATION

12/21/70

Date

HENRY SERRAPICA, 249 Van Brunt Street, Brooklyn, New York, was interviewed at the New York Office of the Federal Bureau of Investigation, where he was transported for processing after arrest. SERRAPICA was advised of his rights by SA GILMERSON and of the reason for the interview. SA GILMERSON presented SERRAPICA with an Advice of Rights form which SERRAPICA read and stated that he understood. At this time, SERRAPICA signed the Waiver of Rights portion of the form and furnished the following information:

SERRAPICA stated that he didn't know anything about any stolen merchandise which was in the building at 70 De Caw Street, Brooklyn, New York. SERRAPICA advised that for the past couple of weeks, he has been helping TOM LISI, owner, Lisi and Son Trucking, 70 De Caw Street, Brooklyn, New York. SERRAPICA said that he helped LISI by answering the phone and that he did nothing else while there but answer the phone. SERRAPICA advised that he had no regular working hours and that he didn't receive any pay for his services, except that once in a while LISI would give him a few bucks.

SERRAPICA advised that he never went on the back dock while he was at the company and had no idea what was on the dock.

SA GILMERSON then asked SERRAPICA how long he has known LOUIS FELICE and he replied that he has known him well for the past four or five years.

SA GILMERSON then asked SERRAPICA what hours he worked at LISI's on December 15, 1970, the day before. He replied that he worked a couple of hours. SA GILMERSON then asked SERRAPICA if he worked yesterday afternoon and SERRAPICA replied that he didn't want to answer any more questions.

The following description of SERRAPICA was obtained during interview:

Name	HENRY SERRAPICA
Address	249 Van Brunt Street
	Brooklyn, New York
Telephone	852-0036
Race	White
Sex	Male

On 12/16/70 at New York, New York File # NY 15-

SAS STEPHEN A. GILMERSON and
by MATTHEW L. HILLER/ajm

Date dictated 12/21/70

NY 15-

Date of Birth	September 3, 1925
Place of Birth	Brooklyn, New York
Height	5'7"
Weight	165 pounds
Hair	Black and gray, thinning
Eyes	Brown
Build	Medium
Complexion	Medium
Scars and Marks	1" scar, edge of left eye 1" scar, down tip of nose tattoo of horsehead on left bicep tattoo of heart on right forearm tattoo, names "HENRY" and "PIE" on right forearm
Occupation	Welder
Wife	PAULINE, 249 Van Brunt Street, Brooklyn, New York
Children	HENRY, JR., age 18 ROSANE, age 16
Education	Completed 8th grade
Armed Service	Navy, discharged 1947
Previous employment	Boyle Metal Craft, 150 Sullivan Street, Brooklyn, New York
Arrests	1970 - Possession of Stolen Property (FBI)

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/70

LOUIS RAY FELICE, 30 Fourth Street, Brooklyn, was furnished an "Advice of Rights" form which he read and proceeded to sign. FELICE refused to make any statement.

The following description was obtained through observation and interview:

Name	LOUIS RAY FELICE
Sex	Male
Race	White
Date of birth	June 14, 1925
Place of birth	Brooklyn, New York
Height	5 feet 4 inches
Weight	145
Hair	Gray-black
Eyes	Brown
Build	Slim, small
Complexion	Medium
Scars and marks	Tattoos right forearm of skull and dice; bicep "LF & Flip 1943"; left forearm "1943"; bicep "USN"; Has missing right index finger
Residence	30 Fourth Street Brooklyn, New York
Telephone	522-5483
Occupation	Truck driver (unemployed)
Military	Navy, 1943 to 45, serial number 015 0518
Automobile	1972 Cadillac
Marital Status	Married, CLEMENTINA SANTANASTASIO, 1948, has 7 children; MICHAEL 21; LOUIS, JR. 19; ANTHONY 18 (married); PHILIP, 16; MADALINE 15; CONSTANCE 12; NANCY, 6.

On 12/16/70 at New York, New York File # NY 15-58734
by SA ERNEST A. HARIDOPOLOS/lm Date dictated 12/22/70

NY 15-58734

2.

Arrests

New York City Police
Department, 6 months ago,
Stolen Property-Possession,
74th Precinct, Bergen Street;
5 years, 76th Precinct
to High School, 2 years,
Emmanuel High School (now John
Jay)

Education

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/70

ANTHONY A. ANNICCHIARICO was furnished an "Advice of Rights" form, which he read and acknowledged that he understood it but refused to sign. Thereafter ANNICCHIARICO refused to make any statement.

The following description was obtained from observation and interview:

Name	ANTHONY A. ANNICCHIARICO
Alias	Pepper
Sex	Male
Race	White
Date of birth	November 23, 1920
Place of birth	Brooklyn, New York
Height	5 feet 5 inches
Weight	155
Hair	Brown
Eyes	Brown
Build	Medium
Complexion	Ruddy
Scars or marks	Forehead
Residence	306 Carroll Street, Brooklyn
Telephone	MA 4-4557
Occupation	Laborer (maintains containers, Bay Refactory, 164 Walcott Street Brooklyn)
Drivers license	A14518 98925 777392-20-Operators
Automobile	1969 Buick, tan, New York license 9085 BP
Arrests	1955, Federal Bureau of Narcotics (convicted for Conspiracy - five years)
Education	2nd Year High School
Social Security Number	113 10 8326

On 12/16/70 at New York, New York File # NY 15-58731

by SA MARK THORNTON/lm Date dictated 12/22/70

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/70

THOMAS FRANK LISI was furnished an "Advice of Rights" form which he read and refused to sign. Thereafter he refused to make any statement.

The following description was obtained from interview and observation:

Name	THOMAS FRANK LISI
Sex	Male
Race	White
Date of birth	November 28, 1915
Place of birth	Brooklyn, New York
Height	5 feet 7 inches
Weight	160
Hair	Black
Eyes	Brown
Build	Small
Complexion	Dark
Scars, marks	None; wears glasses and has slight mustache
Residence	126 2nd Street, Brooklyn
Telephone	UL 5-1283 (home)
Occupation	Owner Trucking Company, Lisi and Son Incorporated, 76 DeGraw Street, Brooklyn
Business telephone	852-7194
Social Security Number	053-01-2521
Drivers license	L09695 76417 967492-15
Automobile	Chevrolet Nova, Monte Carlo (Rent A Car)
Marital Status	Married, wife SUE LISI; son JOSEPH LISI
Arrests	Admits none

On 12/16/70 at New York, New York File # NY 15-58734
by SAs DONALD E. DOWD and DOYLE EDWIN FLATT/lm Date dictated 12/22/70

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/70

JOSEPH THOMAS LISI was furnished an "Advice of Rights" form which he read and signed. Thereafter he refused to make any statement.

The following description was obtained from interview and observation:

Name	JOSEPH THOMAS LISI
Sex	Male
Race	White
Date of birth	June 21, 1944
Place of birth	Brooklyn
Height	6 feet 10 inches
Weight	190
Hair	Black
Eyes	Hazel
Build	Medium
Complexion	Medium
Scars or marks	Scar on forehead
Residence	125 2nd Street, Brooklyn
Telephone	UL 5-1283
Occupation	Lisi and Son Incorporated; UL 2-7194
Social Security Number	131 32 5454
Drivers License	L09695 7-504 574205-43 NY
Relatives	MARILYN LISI, wife, 197 President Street, Brooklyn (separated)
Arrests	Possession of Narcotics, 1960
Education	Three years high school

On 12/16/70 at New York, New York File # NY 15-58734

by SA WILLIAM P. GALLAGHER/lm Date dictated 12/22/70

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NY 15-58734
JFG:lm
1.

On December 16, 1970, Assistant United States Attorney EDWARD BOYD, Eastern District of New York (EDNY), was advised that a shipment hijacked on December 15, 1970, from a tractor trailer belonging to Mc Govern Trucking Company, was currently located at 66 DeGraw Street and that this had been substantiated by a surveillance of this location. AUSA BOYD authorized the issuance of a search warrant for this location and thereafter a search warrant was issued by United States Commissioner (USC) MAX SCHIFFMAN.

On December 16, 1970, subjects FELICE, SERRAPICA, JOSEPH LISI, THOMAS LISI and ANTHONY ANNICCHIARICO, were arraigned before USC SCHIFFMAN, EDNY, and charged with violation of United States Code Title 18 Section 659.

JOSEPH THOMAS LISI and THOMAS FRANK LISI were released on \$10,000 bond and FELICE, SERRAPICA and ANNICCHIARICO were remanded to the custody of the United States Marshal, EDNY, in lieu of \$25,000 bond.

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/70

GEORGE MC GOVERN was recontacted and he advised that the value of the recovered merchandise was \$115,000 and the value of the tractor trailer was \$20,000 for a total value of \$135,000.

On 12/22/70 at Brooklyn, New York File # NY 15-58734

by SA JOHN F. GOOD/lm Date dictated 12/22/70

RECEIVED
UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

JAN 29 10 33 AM '71

EASTERN DISTRICT
OF NEW YORK

Copy to:

① USA, EDNY

Report of:
Date:

SA JOHN F. GOOD
January 26, 1971

Office: New York, New York

Field Office File #: 15-58734

Bureau File #: 15-68784

Title:

FRANK LISI;
JOSEPH THOMAS LISI;
ANTHONY ANNICCHIARICO;
HENRY SERRAPICA;
LOUIS RAY FELICE;

Character:

THEFT OF TRACTOR TRAILER
CONTAINING TRANSISTOR RADIOS and
MISCELLANEOUS MERCHANDISE;

Synopsis:

MC GOVERN TRUCKING COMPANY
BROOKLYN, NEW YORK, DECEMBER 15, 1970

THEFT FROM INTERSTATE SHIPMENT

Interview with victim driver set forth. List of merchandise recovered set forth. Broken lock recovered at 76 DeGraw St. identified as lock from hijacked trailer. AUSA EDNY advised case to be presented to Federal Grand Jury EDNY in February, 1971.

DETAILS:

On 1/25/71 AUSA FRANK SHEERIN, EDNY advised that he intends to present the above captioned case to the Federal Grand Jury EDNY during February 1971.



FEDERAL BUREAU OF INVESTIGATION

Date 12/21/70

JAMES FERRETTI, 1295 Albany Avenue, Brooklyn, New York, advised that he has been employed as a tractor trailer driver for McGovern Trucking for the past six years.

He advised that he left Pier 9B, Brooklyn, New York, with a shipment of transistor radios and miscellaneous merchandise at approximately 4:30 PM. A few blocks away, the exact location he could not recall, he was accosted by two white males, one of whom had a pistol.

They forced him to drive a short distance and then they took him out of the tractor and placed him in a late model car which was gold in color and had a gold interior, possibly a GM product. They held him for several hours then released him on the outskirts of Brooklyn.

FERRETTI advised that he was only able to get a good look at one of the individuals who hijacked him. He described this individual as follows:

Race	White
Sex	Male
Age	30
Height	5'10"
Weight	150-160 pounds
Dress	Black leather jacket and gold shirt

FERRETTI could describe the second subject only as a white male. He was unable to identify any photographs displayed to him as identical with the subjects.

The following description of FERRETTI was obtained:

Race	White
Sex	Male
Date of Birth	August 25, 1943
Place of Birth	Port Jefferson, New York
Height	5'10"
Weight	180 pounds
Marital status	Married; two children
Social Security Number	095-36-5804

On 12/15/70 at Brooklyn, New York File # NY 15-58734

by SA JOHN F. GOOD/djm

Date dictated 12/16/70

FEDERAL BUREAU OF INVESTIGATION

12/22/70

Date

On December 16, 1970, a search warrant was served at the premises known as 76 De Graw Street, Brooklyn, New York and the following described merchandise was discovered and removed:

- 1 - 313 cartons of Soundesign AM and FM Radios model number 2660.
- 2 - 189 cartons of Jade Transistorized walkie-talkies model number 5142 and 3 loose walkie-talkies.
- 3 - 30 cartons of His Wooden Pencils, number 56/2926.
- 4 - 271 cartons of dinner sets (Mol).

On 12/16/70 at Brooklyn, New York File # NY 15-58734

SAS RONALD G. PYLE, KENNETH H.
by SOOKER, JOHN K. EGAN, MARK THIDENTGA, Date dictated 12/22/70
JAMES F. AHEARN/cgm

FEDERAL BUREAU OF INVESTIGATION

Date 12/2/70

On December 16, 1970, inside a garage located at 76 De Graw Street, Brooklyn, New York, a 1970 Chevrolet, New York License 6912VM, color blue with a black vinyl top, VIN 133570B135599, was searched and the following items found in the trunk of this vehicle:

- 1 - 55 piece dinner set bearing the numbers 3633-55, P3474 and the writing "From Midland Enterprises Incorporated, New York, New York 10010"
- 2 - 2 Jade transistorized walkie-talkies, model number 5142.

On 12/16/70 at Brooklyn, New York File # NY 15-58734

SAS RONALD G. PYLE & KENNETH H.
by SOOKER/egg

Date dictated 12/2/70

FEDERAL BUREAU OF INVESTIGATION

Date 12/22/70

While agents were conducting a search of the premises located at 76 DeGraw Street, a lock in a broken and battered condition was discovered on the platform. This lock was engraved with the letters "LISA" and with the notation, "Made in Italy".

On 12/16/70 at Brooklyn, New York File # NY 15-58454
by SA MARK THORNTON/lm Date dictated 12/22/70

FEDERAL BUREAU OF INVESTIGATION

Date December 23, 1970

GEORGE MC GOVERN, McGovern Trucking Co. 1000 Dean St. Brooklyn, New York was displayed a lock which had been found on the floor of 76 McGraw St., Brooklyn, New York. He advised that this is similar to the locks used by his company. MC GOVERN advised that his driver would have the key to this lock on his key ring if it was from the stolen trailer

On 12/22/70 at Brooklyn, N.Y. File # 15-58734
by SA JOHN F. GOOD Date dictated 12/23/70

FEDERAL BUREAU OF INVESTIGATION

A. 43

Date 12/29/70

GEORGE MC GOVERN furnished a key obtained from his driver JAMES FERRETTI. This key fit the lock recovered on the floor of 76 DeGraw St. Brooklyn, New York

12/23/70^{at} Brooklyn, New York

File # 15-58734

SA JOHN F. COOD

Date dictated 12/29/70

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3500 Material Supplied to Defense Counsel
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705195

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

① - USA, EDNY (ATT: FRANK J. SHEERIN)

Report of:

SA GORDON C. STRAND

Office: New York, New York

Date:

JUN 26 1971

Field Office File #:

15-58434

Bureau File #:

Title:

FRANK LISI; JOSEPH THOMAS LISI; ANTHONY ANNICHIARICO;
HENRY SERRAPICA; LOUIS RAY FELICE; UNKNOWN SUBJECT also
known as David Karp; Theft of 1964 Chevrolet Truck,
New Jersey License XAB18Z and Trailer Containing 134
Cartons of Unfinished Wool, Paramount Trucking of New Jersey,
Brooklyn, New York, December 4, 1970

Character:

Synopsis:

THEFT FROM INTERSTATE SHIPMENT - ARMED HIJACKING

On December 4, 1970, a 1964 Chevrolet truck, New Jersey license XAB18Z and a 1970 Highway Trailer, Michigan License 181202, were reported hijacked by TERRY DI STASI, Paramount Trucking of New Jersey. Trailer contained 134 cartons of spools of unfinished wool yarn moving in interstate commerce. Driver RAYMON ROMERO interviewed and furnished descriptions of two unknown white males as hijackers. A search warrant was served on the premises located at 76 DeGraw Street on December 16, 1970 and approximately one half of stolen load recovered. On February 7, 1971, Detective ALBERTUS, NYCPD, advised that 100 cartons of stolen load recovered from a Ryder Rental Truck located at 39th Street and Third Avenue, Brooklyn, New York. Investigation revealed that an unknown white male using name DAVID KARP rented truck on December 7, 1970 and did not return it. IRVING D. KARP, Bayside, New York, interviewed but denied any involvement in theft of load or rental of truck.
ARMED AND DANGEROUS.

- P -

NY 15-58434

DETAILS:

This investigation is predicated upon receipt of information from TERRY DI STASI, Owner, Paramount Express of New Jersey, 1 Swinburn Street, Paterson, New Jersey, that a 1964 Chevrolet tractor, New Jersey license KAB-182, and 1970 Highway trailer, Michigan license 181262, had been hijacked at gunpoint in the vicinity of Pier 7, Brooklyn, New York. DI STASI advised that the trailer contained 134 cartons of spools of unfinished wool consigned to Phoenix Dye Works, Cleveland, Ohio from Toa Wool Spinning and Weaving, Limited, Kobe, Japan, with an approximate value of \$40,000.

FEDERAL BUREAU OF INVESTIGATION

Date 12/7/70

TERRY DI STASI, Owner, Paramount Express of New Jersey, 1 Swinburn Street, Paterson, New Jersey, (telephone 201-274-0070), supplied the following information:

DI STASI advised that the Paramount truck hijacked on December 4, 1970, while driven by RAYMOND ROMERO, contained 134 large spools of wool yarn being shipped from Kobe, Japan to the Phoenix Dye Works, Cleveland, Ohio. He stated that the spools, weighing about 115 pounds a piece, were packaged in brown cartons measuring 2½' by 2½' by 1'. The following markings were on the cartons: T50128NI (numbers 151 - 250) or T50127 (numbers 1,* 36). He advised that these numbers would be positive identification for the boxes containing the wool spools.

DI STASI advised that the wool yarn has a loss value of approximately \$39,000, but is virtually useless to the average citizen, unless it is dyed and treated.

DI STASI offered the following description of the missing vehicle:

Make	Chevrolet
Year	1964
Model	Tractor
Color	Red and white
License	XAB-18Z (NJ)
Vehicle	
Identification Number	H4C633T124240
Markings	"Paramount of N.J." on cab

Make	Highway
Year	1970
Model	40'
Color	Aluminum
License	181262 (Mich)
Vehicle Identification Number	898306-37

On 12/4/70 at (Telephonic) File # 15-58434

by SA MATTHEW L. MULLIN /mlm Date dictated 12/7/70

FEDERAL BUREAU OF INVESTIGATION

Date 12/9/70

RAYMOND DEL C. ROMERO, Colonial Chambers Hotel, Room 22, 14 Smith Street, Paterson, New Jersey, advised that he is a truck driver employed by Paramount Express, 1 Swinburn Street, Paterson, New Jersey.

ROMERO advised that on December 4, 1970, he was to make a pick up of merchandise at Pier 7, Brooklyn, New York, and return it to Paramount Express. He stated that about 5:30 PM, he had completed loading this shipment and pulled about 20 feet outside the gate at Pier 7, when two armed white males jumped on the running boards on each side of the truck. ROMERO said that the individual on the driver's side ordered him to move over and get into the truck, and then the individual on the other side got in. ROMERO advised that they then blindfolded him with a plastic bag, and that he heard one of the individuals tell the other one to "go to Congress and make a left, go one block and make a right, and then stop the truck".

ROMERO said that they drove for a couple of blocks and then took him from the truck and placed him in a car. He was driven around for about two hours and then released unharmed in the vicinity of Main Street and Jewel Avenue, Brooklyn, New York. He said that before they released him, they took his driver's license and about \$25.00 in cash from his billfold. He said that when they released him, they told him that he would be watched for an hour and that he was not to call anybody during this time. ROMERO said he waited an hour and then called his company.

ROMERO described the hijackers as follows:

Number one (got in on the driver's side), white male, five feet, ten inches tall, medium build, about 35 years old, black hair, goatee, moustache, beard, wearing navy blue jacket and blue sweater, and armed with a black gun.

Number two, white male, short, thin build, in early 20's, long blond hippie-type hair, wearing yellow jacket, and armed with a black gun.

On 12/5/70 at New York, New York File # NY 15-58434

by SA STEPHEN A. GILKESCHMER Date dictated 12/8/70

NY 15-

2.

The following description of ROMERO was obtained during interview:

Name	RAYMOND EARL C. ROMERO
Race	White
Sex	Male
Date of birth	June 23, 1938
Place of birth	Puerto Rico
Height	Five feet, five inches
Weight	125 pounds
Hair	Black
Eyes	Brown
Marital status	Separated, (wife, Mabel, lives in Puerto Rico)
Former employment	Wess Fabric, Inc., 21 Market Street, Paterson, New Jersey
Social Security Number	522-00-3461
Arrests	None admitted

FEDERAL BUREAU OF INVESTIGATION

Date December 11, 1970

Detective CARL ALBERTUS, 76th Squad, New York, New York Police Department furnished the following information:

ALBERTUS advised that on December, 5, 1970 a 1964 Chevrolet tractor bearing New Jersey license XAB182 and a 1971 Highway trailer bearing Michigan license 181262 had been recovered in the vicinity of Bedford Avenue and Driggs Street, Brooklyn, New York near the Williamsburg Bridge.

ALBERTUS stated that this unit was identical to the unit belonging to the Paramount Trucking Company, Paterson, New Jersey and hijacked at gunpoint on December 4, 1970 in Brooklyn, New York.

ALBERTUS advised that the trailer was recovered empty and had been processed by the Identification Unit, New York City, New York Police Department prior to being released to its owners.

On 12/8/70 at Brooklyn, New York File # NY 15-58434

by SA GORDON C. STRAND/gcs Date dictated 12/9/70

NY 15-58434

A neighborhood investigation in the vicinity of Bedford Avenue and Delancey Street, Brooklyn, New York, near the Williamsburg Bridge was conducted with negative results by SA GORDON C. STRAND on December 9, 1970.

FEDERAL BUREAU OF INVESTIGATION

Date December 18, 1970

On December 16, 1970 a search warrant was served at the premises known as 76 De Craw Street, Brooklyn, New York and the following described merchandise was discovered and removed:

- 1) Sixteen (16) cartons containing spools of Teabo Worsted Yarn, lot number 54218801.
- 2) Fourteen (14) barrels containing spools of Teabo Worsted Yarn, lot number 54218801.

On 12/16/70 at Brooklyn, New York File # NY 15-58434
by SAs RONALD G. PYLE, KENNETH H. SOOKER,
JOHN K. EGAN, MARK THORNTON, Date dictated 12/17/70
JAMES F. AHEARN/gcs

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STATE OF NEW YORK)

: SS:

COUNTY OF RICHMOND)

ROBERT BAILEY, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N.Y. 10302. That on the 20 day of May, 1974 deponent served the within *appendix* upon *US Attorney*

attorney(s) for *Appellee*

in this action, at *225 Cadman Plaza East*
Brooklyn, NY

the address designated by said attorney(s) for that purpose by depositing 3 true copies of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

[Signature]
ROBERT BAILEY

Sworn to before me, this *20* day of *May*, 1974

[Signature]
WILLIAM BAILEY

Notary Public, State of New York

No. 43-0132945

Qualified in Richmond County

Commission Expires March 30, 1976